

FILED

OCT - 3 2016

CLERK, U.S. DISTRICT CLERK  
WESTERN DISTRICT OF TEXAS  
BY *EG* DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

HomeVestors of America, Inc.,

*S*

Plaintiff,

*S*

v.

Civil Action No. 5:16-cv-270 X R

Danny Edward Trejo, and  
Zuzana Jelinek-Trejo,

*S*

Defendants.

*S*

*S*

AGREED FINAL JUDGMENT

On 9/19/2016, Plaintiff HomeVestors of America, Inc. ("HomeVestors") and Defendants Danny Edward Trejo and Zuzana Jelinek-Trejo (collectively, "Defendants") (together with HomeVestors, the "Parties") notified the Court that they have reached a confidential settlement of all claims and causes of action in this proceeding. In connection with the Parties' settlement, the Parties jointly requested the Court enter an Agreed Final Judgment finally resolving all claims and causes of action in this proceeding. By entering this Agreed Final Judgment, the Court is not finding either party liable for any claim asserted in the lawsuit. Having considered the Parties' request, the Court is of the opinion that the Parties' Agreed Final Judgment shall be entered.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

Defendants and their agents, vendors, affiliates, employees, successors, assigns, and persons acting under their direction or in active concert or participation with them are

permanently enjoined from the following activities in connection with any home buying, selling, or other franchising, financial, or real-estate-related services:

1. Using the HomeVestors Marks, as identified in Exhibit A, or any marks substantially similar thereto through any means whatsoever including but not limited to: (a) direct mail, vehicle placards, signs, and billboards, (b) blog posts, articles, and other content as a banner, meta tags, or title or in the content copy, (c) social media posts, handles, account names and descriptions, user names, and social media tags and hash tags, (d) domain names, domain name components, URL extensions, website copy, header tags, title tags, meta tags, and other website materials, (e) company names and assumed names, (g) as a trademark or service mark, and (g) any other form of advertising; and
2. Actively bidding on any of the HomeVestors Marks as "exact match," "broad match," or "phrase match" search terms in any of their keyword advertising campaigns.

IT IS FURTHER ORDERED that Defendants and their agents, vendors, affiliates, employees, successors, assigns, and persons acting under their direction or in active concert or participation with them shall list the terms "we buy ugly houses," "we buy ugly homes," "HomeVestors," "Ugly House(s)," and "Ugly Home(s)" as negative keywords in all current and future keyword ad accounts and campaigns.

IT IS FURTHER ORDERED that the parties are responsible for their own attorneys' fees and costs of court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all relief not  
expressly granted herein is hereby denied.

Signed and entered this 3rd day of October, 2016.



\_\_\_\_\_  
United States District Judge

AGREED:

**KLEMCHUK LLP**

/s/ Aaron D. Davidson

Aaron D. Davidson  
Aaron.Davidson@klemchuk.com  
Texas State Bar No. 24007080  
Darin M. Klemchuk  
Darin.Klemchuk@klemchuk.com  
Texas State Bar No. 24002418  
Corey Weinstein  
Corey.Weinstein@klemchuk.com  
Texas State Bar No. 24037685

8150 N. Central Expressway, 10<sup>th</sup> Floor  
Dallas, TX 75206  
P. 214.367.6000  
F. 214.367.6001

**ATTORNEYS FOR PLAINTIFF  
HOMEVESTORS OF AMERICA, INC.**

and.

Danny Edward Trejo

Zuzana Jelinek-Trejo

**DEFENDANTS**

## APPENDIX A

Mark	Reg./Ser. No.	Goods/Services
 WE BUY UGLY HOUSES. Homes for Sale	2,761,385	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
WE BUY UGLY HOUSES	3,099,814	IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services.
COMPRAMOS CASAS FEAS	2,988,337	IC 36. Real estate services, namely, the acquisition and brokerage of residential real property and real estate financing services.
COMPRAMOS CASAS FEAS	2,982,363	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
WE BUY UGLY HOUSES	2,999,705	IC 36. Real estate services, namely real estate acquisition, real estate brokerage services and real estate financing services.
 WE BUY UGLY HOUSES Homes for Sale NICE	2,827,136	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
 UGLY's OK	2,797,429	IC 26. Ornamental novelty buttons.
 UGLY'S OK	2,797,374	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
UGLY'S OK	2,794,480	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
WE SELL LUVLY HOUSES.COM	3,658,442	IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services and loan financing.
THE UGLIEST HOUSE OF THE YEAR	3,641,362	IC 35. Organizing and promoting contests for advertising purposes.
 THE UGLIEST HOUSE of the Year	3,641,361	IC 35. Organizing and promoting contests for advertising purposes.

	2,746,669	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
HOMEVESTORS	2,721,129	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
UG INVESTS.COM	3,438,769	IC 36. Real estate services, namely, purchase, finance, acquisition and brokerage of residential real estate properties.
THE GOOD, THE BAD AND THE UGLY	3,350,752	IC 36. Real estate services, namely, purchase, finance, acquisition and brokerage of residential real estate properties for others.
WE BUY THE GOOD, THE BAD AND THE UGLY	3,307,918	IC 36. Real estate services, namely purchase, finance, acquisition and brokerage of residential real estate properties.
UG SELLS HOUSES TOO.	3,263,978	IC 36. Real estate services, namely, purchase, finance, acquisition and brokerage of residential real estate properties.
SECOND EYES	3,263,958	IC 36. Real estate services, namely, the preparation of analyses and related written reports for others regarding residential real estate condition and estimated refurbishment expenses utilizing a proprietary analytical methodology.
	3,263,957	IC 36. Real estate services, namely, the preparation of analyses and related written reports for others regarding residential real estate condition and estimated refurbishment expenses utilizing a proprietary analytical methodology.
SOLUTIONS FOR UGLY SITUATIONS	3,188,593	IC 36. Real estate services, namely real estate acquisition, real estate brokerage services and loan financing.
SOLUTIONS FOR UGLY SITUATIONS	3,185,390	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
	3,128,574	IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.

	2,956,744	IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.
UG BUYS UGLY HOUSES	2,999,978	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
UG BUYS UGLY HOUSES	2,935,916	IC 36. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.
HOMEVESTORS	2,894,974	IC 36. Real estate services, namely real estate acquisition, real estate brokerage services and mortgage lending services of residential real estate.
THE VESTOR'S CHOICE	2,894,973	IC 09. Downloadable electronic publications in the nature of electronic newsletters relating to developing, operating and marketing franchised businesses that purchase, finance and sell residential real estate.
HOMEVESTORS	2,216,811	IC 36. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services.
HOMEVESTORS	2,402,260	IC 37. Building repair services.
	2,012,077	IC 36. Providing real estate brokerage, mortgage brokerage, and title and home insurance brokerage services.
	3,061,604	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
COMPRAMOS CASAS FEAS	2,982,363	IC 35. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.
	4,328,837	IC 35. Advertising services.

UGLY OPPORTUNITIES	4,313,868	IC 35. Franchise consulting services, namely, consultation in connection with marketing and advertising of franchise businesses, franchise lead generation, strategic franchise planning, territory management and franchise sales; concept and brand development in the field of franchising; marketing and promotion of franchise sales services; business advisory and consulting services relating to franchise sales; broker referral services in the field of franchises.
ADVESTORS	4,313,733	IC 35. Advertising services.
UG SELLS UGLY HOUSES	86/098,405	IC 035. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale. IC 036. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely, real estate agency services and real estate listing.
WE SELL UGLY HOUSES	4,638,341	IC 035. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale. IC 036. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely, real estate agency services and real estate listing.

WE SELL UGLY HOUSES, TOO!	86/098,386	<p>IC 035. Real estate sales management; sales promotion services; providing web site for investors to access properties for sale.</p> <p>IC 036. Real estate services, namely, real estate brokerage, and providing mortgage, title and home insurance brokerage services; real estate services, namely, real estate acquisition, real estate brokerage services and real estate financing services; real estate consultation, management, brokerage, and leasing services; real estate sales, namely, real estate agency services and real estate listing.</p>
	4,551,942	<p>IC 035. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate.</p> <p>IC 036. Real estate services, namely, real estate acquisition, real estate brokerage services, and real estate financing services.</p>
HOMEVESTING	85/162,224	<p>IC 035. Franchising services, namely, offering technical assistance in establishing, operating, marketing and developing franchised businesses that purchase, finance and sell residential real estate; organizing and promoting contests for advertising purposes; preparation of analyses and related written reports for others, namely, investors, regarding residential real estate condition and estimated refurbishment expenses utilizing a proprietary analytical methodology.</p> <p>IC 036. Real estate services, namely, real estate investment services in the nature of purchasing of real estate by franchisees and selling of real estate to others, real estate acquisition services, real estate financing, real estate brokerage, real estate loan financing, providing mortgage, title and home insurance brokerage services, real estate investment services in the nature of purchasing, financing and selling of residential real estate rental properties.</p>